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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,752	02/01/2005	Makoto Urushihara	263468US6PCT	9309
22850	7590	04/06/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER KHAN, ASHER R	
			ART UNIT	PAPER NUMBER
			2621	
			NOTIFICATION DATE	DELIVERY MODE
			04/06/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/522,752	<b>Applicant(s)</b> URUSHIHARA ET AL.	
	<b>Examiner</b> ASHER KHAN	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 4-7, 9-14, 16 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/08/2008</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 15 and 17 have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

2. Claims 4-7, 9-14, 16 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 15 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Computer-readable medium is new matter because there is no support in the specification for it.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2621

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**6. Claims 1-3, 15 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,835,668 to Yanagihara in view of U.S. Patent 5,793,927 to Lane.**

As to claims 1, 15 and 17, Yanagihara discloses an information processing apparatus comprising:

checking means for checking predetermined time information of content data recorded in a first format (Col. 4 lines 60-67);

setting means for setting, on the basis of said content data time information checked by said checking means, bits rates with which said content data is recorded from said information processing apparatus to a predetermined removable recording medium (Col. 5, lines 4-15; Col. 7, lines, 7-33); and

recording control means for converting the format of said content data from said first format to a second format and recording the converted content data to said recording medium with said bit rates set by said setting means (Fig. 8; Col. 4, lines 60-67, Col. 5, lines 1-15; Col. 9, lines 50-62).

Yanagihara does not expressly disclose controlling a content providing device to reproduce at a faster speed than a normal speed of the content providing device.

Lane disclose controlling a content providing device (Fig. 1, 100) to reproduce at a faster speed than a normal speed of the content providing device (Col. 10, lines 11-18).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Yanagihara with the teachings of Lane. Motivation to combine would have been to provide time information by fast forwarding so that transcoding can be performed efficiently.

As to claims 2 and 18, Yanagihara further wherein said checking means checks a recording time of said content data recorded in said first format as said time information (Col. 4, lines 60-67; Abstract).

As to claims 3 and 19, Yanagihara further discloses wherein said content data is constituted by a moving image data and audio data corresponding thereto (Fig.1;Col. 1, lines 66-67, Col 2, lines 1-6); said setting means sets, as said bit rates, a first bit rate corresponding to said moving image data and a second bit rate corresponding to said audio data (Figs. 1,5; Col. 1 line 66-67, Col. 2, lines 1-6; Col. 5, lines 4-15;Col. 7, lines, 7-33); and

said recording control means executes control so as to record said moving image data of said content data in said first bit rate set by said setting means and record said audio data in said second bitrate set by said setting means (Fig. 8;Col. 4, lines 60-67, Col. 5, lines 1-15; Col. 9, lines 50-62)

**7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,835,668 to Yanagihara in view of U.S. Patent 5,793,927 to Lane and in further view of U.S. Patent Pub. 2003/0194008 A1 to Acharya et al "Acharya"**

As to claim 8, Yanagihara and Lane as modified disclose everything claimed as applied in claim 1 above but Yanagihara and Lane as modified do not expressly

Art Unit: 2621

disclose wherein said first format is a format of a digital video tape recorder and said second format is a format specified by the DVD standard.

Acharya discloses wherein said first format is a format of a digital video tape recorder and said second format is a format specified by the DVD standard (Fig. 3; 0001-0002; 0004)

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Yanagihara and Lane as modified with the teachings of Acharya. Motivation to combine would have to convert digital video tape recording to DVD recording.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2621

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHER KHAN whose telephone number is (571)270-5203. The examiner can normally be reached on 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks- Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

/A. K./  
Examiner, Art Unit 2621